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In re Application of  
Faubel et al.  
Application No.: 10/527,676  
PCT No.: PCT/EP03/10164  
Int. Filing Date: 12 September 2003  
Priority Date: 13 September 2002  
Attorney Docket No.: 46955.22  
For: Liquid Trap For Collecting  
Liquids In A Vacuum Device

DECISION

This is in response to the "Response To Notification Of Missing Requirements..." filed on 16 December 2005.

### BACKGROUND

This international application was filed on 12 September 2003, claimed an earlier priority date of 13 September 2002, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 April 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 March 2005 (since 13 March 2005 was a Sunday). Applicant filed *inter alia* the basic national fee on 11 March 2005.

On 12 October 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an executed oath or declaration and a surcharge under 37 CFR 1.492(h).

### DISCUSSION

The instant "Response..." is accompanied by the surcharge under 37 CFR 1.492(h) and by a signed declaration. Inspection of the declaration reveals that it nominates three joint inventors (Bernd Abel, Jens Assman and Eugene Lugovoi) who are not named in the published international application. The application file currently contains no evidence suggesting that any of said three inventors were added to the international application pursuant to PCT Rule 92bis. Accordingly, it would not be appropriate to accept the declaration on the basis of the present record. Counsel may wish to entertain the possibility of filing a submission pursuant to PCT Rule 1.497(d) to resolve this matter.

### DECISION

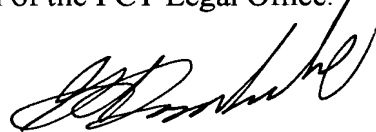
The declaration filed on 16 December 2005 is NOT ACCEPTED, without prejudice.

Applicants are required to file a response within ***EITHER*** the remainder of the period to respond to the Form PCT/DO/EO/905 mailed on 12 October 2005 (as extendable under 37 CFR 1.136(a)) ***OR ONE (1) MONTH*** of the mailing date of this decision (**NOT** extendable under 37 CFR 1.136(a)), whichever time period expires later. Failure to reply will result in **ABANDONMENT** of this international application with respect to the U.S. national stage.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



Boris Milef  
PCT Legal Examiner  
PCT Legal Office



George M. Dombroske  
PCT Legal Examiner  
PCT Legal Office  
Tel: (571) 272-3283  
Fax: (571) 273-0459